

1 Jim Heath, in Pro Per
2 2716 Saratoga Avenue
3 Lake Havasu City, Arizona 86406
4 Telephone: (614) 390-7706
5 Email: jimheathtv@gmail.com

6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF WEST VIRGINIA
8 CHARLESTON DIVISION

9 DON BLANKENSHIP,

10 Plaintiff,

11 vs.

12 JIM HEATH; HONORABLE ANDREW
13 NAPOLITANO (RET.); Et al.,

14 Defendants.

Case No.: 2:19-cv-00236

Honorable John T. Copenhaver, Jr.

15 **ANSWER OF JIM HEATH TO FIRST AMENDED COMPLAINT**

16
17 Jim Heath, answering Plaintiff's First Amended Complaint, admits, denies and
18 alleges as follows:

19 1. Alleges that he is without sufficient information at the present
20 time to form a belief as to the truth of the allegations contained in paragraphs 1 through 108
21 of the First Amended Complaint, and therefore denies same.

22 2. Answering paragraph 109 of the First Amended Complaint,
23 admits Jim Heath is an award winning news anchor, correspondent and political analyst; but
24 denies that Jim Heath is domiciled in the District of Columbia, and alleges that Jim Heath
25 has been domiciled in the state of Arizona for all relevant times herein including on May 8,
26 2018.

1 3. Alleges that he is without sufficient information at the present
2 time to form a belief as to the truth of the allegations contained in paragraphs 110 through
3 184 of the First Amended Complaint, and therefore denies same.

4 4. Admits the allegations contained in paragraph 185 of the First
5 Amended Complaint.

6 5. Alleges that he is without sufficient information at the present
7 time to form a belief as to the truth of the allegations contained in paragraphs 186 through
8 221 of the First Amended Complaint, and therefore denies same.

9 6. Answering paragraph 222 of the First Amended Complaint
10 admits, denies and alleges as has been previously stated with respect to paragraphs 1 through
11 221.

12 7. Denies the allegations contained in paragraphs 223 through
13 250 of the First Amended Complaint.

14 At all times relevant herein, including on May 8, 2018, Defendant Jim Heath has
15 been a resident of the state of Arizona, not the District of Columbia as alleged in Plaintiff's
16 Complaint. Therefore, this Complaint against Defendant Jim Heath should be dismissed
17 because this Court does not have in personam jurisdiction over Defendant Jim Heath.

18 Defendant Jim Heath asserts and sets forth the following defenses to Plaintiff's First
19 Amended Complaint:

20 1. The content of Defendant Jim Heath's May 8, 2018 tweet was
21 not defamatory, constituted opinion and did not cause Plaintiff any damages.

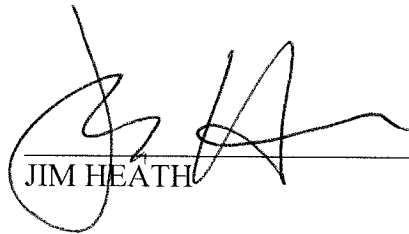
22 2. At the time of the May 8, 2018 tweet, Defendant Jim Heath
23 was not aware that Plaintiff was not a convicted felon.

24 3. The May 8, 2018 tweet of Defendant Jim Heath was
25 privileged communication and was not done with any malice aforethought.
26

That if Defendant Jim Heath hires an attorney in the future to help him defend against Plaintiff's First Amended Complaint, then he is asking for an award by this Court against Plaintiff for his attorney's fees and costs.

Wherefore, Defendant Jim Heath requests that Plaintiff's First Amended Complaint be dismissed with prejudice and that he be awarded his attorney's fees and costs if applicable.

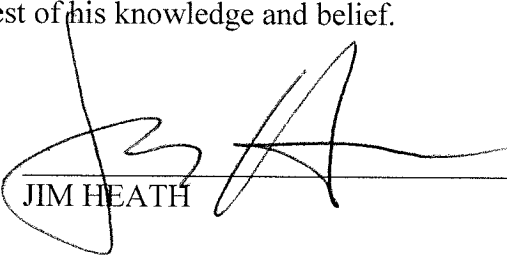
RESPECTFULLY SUBMITTED this 26th day of June, 2019.


JIM HEATH

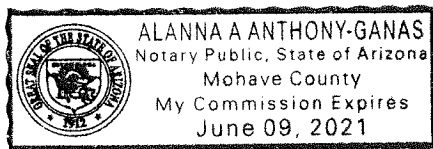
STATE OF ARIZONA)
)ss
COUNTY OF MOHAVE)

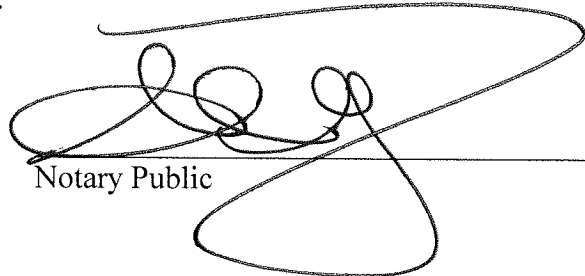
Jim Heath, being first duly sworn, states as follows:

That he is the Defendant in the foregoing Answer; and that the statements in the Answer are accurate and complete to the best of his knowledge and belief.


JIM HEATH

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, this 26 day of June, 2019, by JIM HEATH.




Notary Public

1 A copy of this Answer has been sent
2 this 26th day of June, 2019 to:

3 Jeffrey S. Simpkins
4 Simpkins Law
5 102 E. 2nd Avenue
6 Williamson, WV 25661

7 Eric P. Early
8 Early Sullivan Wright Gizer & McRae LLP
9 6420 Wilshire Boulevard, 17th Floor
10 Los Angeles, CA 90048

11 By: 
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